

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:

Joseph Zwicharowski,

Debtor.

TD Bank, N.A.,

Movant.

-vs-

Joseph Zwicharowski,

Respondent.

* * * * *

**STIPULATION RESOLVING MOTION FOR RELIEF
FROM AUTOMATIC STAY**

WHEREAS, TD Bank, N.A. as Successor in interest to Commerce Bank, N.A., (hereinafter "TD Bank, N.A.") moved for an Order, pursuant to 11 U.S.C. Section 362(d)(1), authorizing relief from automatic stay, or the granting of adequate protection herein; and

WHEREAS, the parties have agreed to resolve the instant dispute by this Stipulation;

NOW THEREFORE, Creditor and Debtor hereby agree as follows:

1. Debtor shall file an amended plan within thirty (30) days of this executed stipulation that provides for payment of post-petition arrears of \$5,294.20 and reasonable attorney fee/filing fee of \$531.00 totalling \$5,825.20 to TD Bank, N.A. through the Chapter 13 Plan.
2. That the debtor will continue to make the regular monthly payments pursuant to the terms

of the underlying Note and Mortgage in a timely fashion commencing with the payment due on or before November 1, 2020 in the amount of \$178.00.

3. In the event debtor fails to timely file an amended plan in conformity with the terms of the Stipulation or fails to make any payment called for in this Stipulation, Creditor may submit a certification of default and a proposed Order for Relief from Automatic Stay to the Court and serve a copy of such certification of default upon the debtor and counsel for debtor. Five days after receipt of a certification of default, the Court shall enter an Order granting the creditor relief from the automatic stay unless the debtor has filed an objection to the certification of default specifying reasons for the objection; in which case the Court shall set a hearing on the objection.

/s/ Martin A. Mooney

Martin A. Mooney, Esq.

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Date: October 21, 2020

/s/ Brad J. Sadek

Brad J. Sadek, Esq.

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Date: October 19, 2020

/s/ LeeAne O' Huggins No Objection/ Without Prejudice to Any Trustee Rights or Remedies

Willaim C. Miller, Esq.

Chapter 13 Trustee

PO box 1229

Philadelphia, PA 19105

Tel. (215) 627-1377

Date: October 21, 2020